

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 NOV 26 AM 9:06

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alejandro TOLEDO-Ramirez,

Defendant

) Magistrate Docket No.

) CLERK, U.S. DISTRICT COURT
) SOUTHERN DISTRICT OF CALIFORNIA
) 07 NOV 26 9:06 AM

) COMPLAINT FOR VIOLATION OF:

DEPUTY

) Title 8, U.S.C., Section 1326


) Deported Alien Found in the

) United States

The undersigned complainant, being duly sworn, states:

On or about **November 20, 2007**, within the Southern District of California, defendant, **Alejandro TOLEDO-Ramirez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

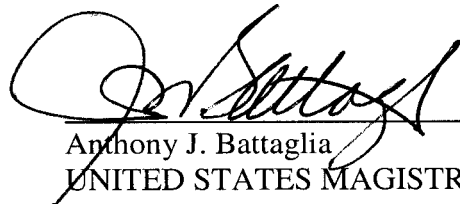


SIGNATURE OF COMPLAINANT

Dwain R. Holmes Jr.

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th DAY OF NOVEMBER, 2007.



Anthony J. Battaglia

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Alejandro, TOLEDO-Ramirez

PROBABLE CAUSE STATEMENT

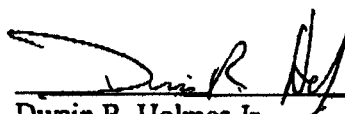
I declare under the penalty of perjury that the following statement is true and correct:

On November 20, 2007, at approximately 3:40 p.m. Border Patrol Agent A. Purkett was advised via service radio of a seismic sensor activation near Dulzura, California. This area is approximately 10 miles east of the Otay Mesa, California, Port of Entry and three miles north of the International Border between the United States and Mexico. Agent Purkett was performing line watch duties in the vicinity and responded to the location. After arriving in the area Agent Purkett found two individuals hiding in some underbrush in an attempt to conceal themselves. Due to the close proximity to the United States / Mexico International Boundary Fence, and due to the fact that this area is frequently used by undocumented aliens to further their entry into the United States, Agent Purkett identified himself as a Border Patrol Agent and conducted an immigration inspection. Both subjects including one later identified as the defendant Alejandro TOLEDO-Ramirez, admitted to being citizens and nationals of Mexico illegally in the United States, without any immigration documents that would allow them to legally enter or remain. Agent Purkett arrested both individuals and transported them to the Brown Field Border Patrol Station for processing.

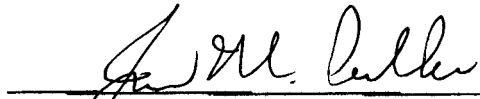
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on September 23, 2005 through Del Rio, Texas. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant stated that he was born in Mexico and was a citizen of Mexico. The defendant admitted that he did not have any legal immigration documents allowing him to be or remain in the United States legally. The defendant further admitted to being previously removed from the United States and that he has never applied for permission to re-enter the United States prior to his entry.

Executed on November 22, 2007 at 10:50 A.M.


Dwain R. Holmes Jr.
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on November 20, 2007, in violation of Title 8, United States Code, Section 1326.


Jan M. Adler
United States Magistrate Judge

11/22/07 @ 11:03 a.m.
Date/Time